

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

HARLEYSVILLE MUTUAL)
INSURANCE COMPANY,)

Plaintiff,)

v.)

Case Number: 3:05 CV 469-MHT-CSC

GRADY'S TIRE & AUTO SERVICE,)
INC., KENNETH LAMAR HUBBARD;)
NELDA SHAW, individually and as the)
surviving wife and Administrator of the)
Estate of LEWIS CLENTON SHAW,)
deceased,)

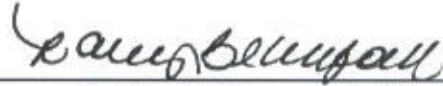
Defendants.)

MOTION FOR ENTRY OF DEFAULT

Comes now the plaintiff, Harleysville Mutual Insurance Company ("Harleysville"), pursuant to Rule 55 of the Federal Rules of Civil Procedure, and moves the court to enter a default judgment against the defendant, Kenneth Lamar Hubbard. In support of the motion, Harleysville shows unto the court the following:

1. Harleysville filed a motion for entry of default on August 11, 2005.
2. The court entered an order on August 16, 2005 requiring the defendant Hubbard to show cause, if any, as to why the motion for default should not be granted. A response has not been filed.

3. The state court has now entered orders dismissing the underlying case because the plaintiff failed to comply with discovery. A copy of those orders are attached as Exhibit A. Thus, the courage issues will become moot unless the underlying case is reinstated.



R. Larry Bradford, Attorney for Plaintiff,
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CERTIFICATE OF SERVICE

I hereby certify that I have this the 15 day of September, 2005, served a copy of the foregoing to all attorneys of record by placing a copy of same in the United States Mail, postage prepaid and properly addressed as follows:

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